COURT NO.6

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ petition No. 704 (MS) 2003

CIVIL SIDE

AKm. I. Gupta ....PETITIONER

Versus.

District Judge, Dehradun &
Others ..... RESPONDENTS

Hon'ble Rajesh Tandon J.

The Petitioner has filed the present writ petition of mandamus directing the District Judge, Dehradun to withdraw the original suit no.27 of 2001 from the Court of Civil Judge (Junior Division), Dehradun and transfer to Civil Judge (Senior Division) Dehradun or any other Court.

The prayer in the present writ petition cannot be granted as the prayer contains transfer of the suit from the Court of Civil Judge (Junior Division) to another Court. In fact prayer is for withdrawal of the suit pending before the Civil Judge (JD). Such prayer can only be made by transfer application under section 24 (a) C.P.C.

So far as prayer for expedition of the suit is concerned, the petitioner may file an application before the District Judge for issuing directions to expedite the case and the learned District Judge after

Considering the pendency of the cases and their year of institution will pas suitable order on it.

With these observations the writ petition is dismissed.

(Rajesh Tandon, J.)

1.8.03
*Dhyani